

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 9719 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. T. M. Sagari i/b N.P. Dalvi for the Petitioner.

**CORAM : K. K. TATED, J.
DATED : 27/07/2016**

PC.:

. Heard learned Counsel for the petitioner.

2 By this petition under Article 227 of the Constitution of India the Petitioner plaintiff challenges the order dated 13.11.2013 passed by learned District Judge-3, Satara below Exh.31 in Regular Civil Appeal No. 180 of 2011 rejecting petitioner's application for carrying out amendment in the plaint during the course of pendency of Appeal.

3 In the present proceeding, the petitioner plaintiff filed Regular Civil Suit No. 282 of 1995 for partition of HUF property and separate possession. That suit was dismissed by the Trial Court. Thereafter, the petitioner plaintiff preferred Appeal before learned District Judge, Satara.

4 It is the case of the plaintiff that during the

pendency of the Appeal, he learnt that some acquired properties were returned by Government to the plaintiff and defendant. Hence, he has filed application for carrying out amendment in the plaint for inserting those properties as suit properties.

5 It is to be noted that bare reading of application for amendment Exh.31 shows that plaintiff has not explained when he received those properties from the Government, whether he had any knowledge about the same. Without explaining any facts about those properties, plaintiff filed application for carrying out amendment. Same was rejected by the Trial Court.

6 Considering the application filed by the plaintiff below Exh. 31 dated 13.11.2013 by which plaintiff is seeking to carry out amendment in the plaint at the stage of Appeal, cannot be allowed, because, plaintiff failed to disclose any sufficient cause for that.

7 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)